PRESENTATION TO THE SAFMC PUBLIC HEARING, FEBRUARY 3, 2011
Henry Feddern

The South Atlantic Fishery Management Council is considering three octocoral (gorgonian) regulations as a result of the Congressional requirements to ensure that overfishing does not occur in any Federally-managed fishery. Congress said that "the NEED of the action is to ensure overfishing does not occur and to allow the stocks to increase in biomass, when necessary..." Unfortunately, due to the fact that the Scientific and Statistical Committee knew very little about the gorgonian fishery, and did not use the best scientific information provided to it, the Committee followed the path of least resistance by not estimating the population, but just using the existing Total Allowable Catch (TAC) as a regulatory starting point. Initially, their recommendation was a small fraction of the current harvest. This was amended to what they said was the "status quo", but really wasn't, because they included harvest in State waters, which severely reduced the number of colonies that potentially could be harvested, but would not be, because demand is not present.

The first regulatory action is to either retain the gorgonian fishery in the Coral Plan or to remove it and give management to Florida. If the Council retains it, then it probably will reduce the total harvest to 50,000 colonies per year in Federal AND State waters. If the Council gives it to Florida, then the harvest would be restricted by demand and by the limited number of fishermen allowed to collect them. HOWEVER, all the regulations in the Coral Plan (including the regulation that allows a 1" bit of substrate attached to the holdfast so that the colony is not injured) will disappear, and the danger is that the Florida Keys National Marine Sanctuary (which is adamant against harvest of substrate) may rule that substrate cannot be taken with gorgonians.

The Council prefers to retain gorgonians within the Coral Plan, in order to ensure that it retains a total allowable catch that Council members are certain will not lead to overfishing. The available scientific data indicates that there billions of gorgonians in the Florida Keys alone, the catch is demand-driven, there are a limited number of fishermen in the fishery, reproduction and growth are rapid, and the current catch quota is far below the total allowable catch allowed by any other fishery (catch as a percentage of population). Given the estimated size of the population and the hobbyist constraints on catch, there is no possible way that gorgonians would ever be overharvested.

I feel that the Council should retain control of gorgonians, UNLESS the Florida Keys National Marine Sanctuary puts in writing that it will retain the current substrate regulation unchanged. If this happens, then the Council can significantly reduce its cost and management burden by transferring management (with Sanctuary approval of the substrate regulation) to Florida. After all, this regulation has been in place for a long time, so no new substrate harvest is involved.

Action 2 concerns whether or not to have the SAFMC take over jurisdiction of gorgonians from the Gulf of Mexico FMC. If the SA Council does not, then the Gulf Council will probably give

jurisdiction to Florida. Fishermen off the Gulf coast would probably prefer to have Florida take over jurisdiction.

Action 3 concerns the Total Allowable Catch, which at the present time is set at 50,000 colonies per year in the EEZ. Even though everyone agrees that there is no overharvesting and there is no likelihood that overfishing will ever occur, the SSC wants to include state waters within that TAC. The problem is that if the harvest even approaches the TAC value, fishermen may become anxious and catch as many as possible in case the government shuts down the fishery for the remainder of the year. This artificial regulatory disturbance of a fishery has happened in many other fisheries.

Since there is no possibility of overharvesting gorgonians, due to the above reasons and many others, and the fact that most gorgonians are harvested within Florida waters under Florida's harvest restrictions, the concerns of Congress have been met by retaining the status quo of 50,000 colonies per year in the EEZ alone. There is no need to include Florida's harvest in that quota.

Please do not try to fix that which is not broken.

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ADDITIONAL PRESENTATION TO THE SAFMC PUBLIC HEARING, FEBRUARY 3
Henry Feddern

Congress, in its instructions to the Councils, said that "the NEED of the action is to ensure overfishing does not occur and to allow the stocks to increase in biomass, when necessary..." The best scientific information indicates that gorgonian populations in the Florida Keys ALONE range in number from 8 to 28.8 billion colonies, and the harvest has been below 50,000 colonies per year. Using an average population estimate of 18 billion colonies, this means that less than 1 colony out of 360,000 colonies present have been harvested. How does this compare with the percentage harvest of any other fishery? I can't conceive of any possible way for biological overharvesting to occur, especially due to Florida's controls on the fishery and on the "demand" character of the fishery.

The Scientific and Statistical Committee ignored this scientific data and just used the current TAC in Federal waters as their "overfishing level".

The SSC in a previous even lower determination gave the Council the option of setting an overfishing level for the Federal waters alone, and another one of combining Federal and State waters. The fact that Action 3 includes Alternative 1 (no action, retain the status quo of 50,000 colony harvest in the EEZ federal waters) also means that in the absence of overfishing, the Congressional mandate is satisfied and the Council can legally choose this alternative.

Does the Council really believe that this gorgonian population can ever be biologically overharvested? In the absence of any hint of overfishing, I strongly urge each member of the Council to vote for Alternative 1 (No action. Do not modify the existing ACL for octocorals in the South Atlantic). This fishery is not in danger. There are many mechanisms already in place at the Federal and State level that control the harvest. Why disturb a fishery that has done everything right?

Yours truly,

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